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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights Leagues, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[28 February 1997]

GE.97-10855 (E)

The situation of human rights in Rwanda

1. Since the terrible genocide and massacres which decimated the population of Rwanda in 1994, the situation in the country has remained unsettled and the progress made in certain areas should not be allowed to conceal the problems concerning respect for human rights which are still just as acute as ever. While the country's economy is beginning to recover, with the resumption of many activities, the FIDH deplores the continuation of serious and massive human rights violations that conflict with the proper working of a State subject to the rule of law.

2. The concerns of the FIDH regarding Rwanda relate mainly to the following points: the situation of those who survived the genocide and the war; the situation of returning refugees; the situation of detainees, especially those accused of genocide; the situation of women; the right to a fair trial; attacks on international humanitarian personnel.

3. The situation of those who survived the genocide and the war. Although the international community has undertaken to contribute to the reconstruction of the country by providing aid, it should be noted that many obstacles have prevented the funds allocated from reaching Rwanda and a great deal of the funds promised have still not arrived. Moreover, the FIDH is particularly concerned that virtually no aid at all is being granted to the survivors of the genocide, whereas these people are generally in a state of almost total destitution. Most of them lost everything during the genocide (family, land, houses) and the great majority are receiving no assistance at all. Their situation is aggravated by the return of the refugees, when the latter resume possession of their property that had up to then been occupied by survivors. The survivors then find themselves homeless once more, completely destitute and deprived of the aid and support structures that their situation requires. Furthermore, the FIDH expresses its deep anxiety at the increasingly alarming number of survivors who "disappear" or are murdered, either to prevent them from testifying because they are regarded as "embarrassing" or because they are accused by certain extremists of having been in collusion with the perpetrators of the genocide (this presumption of collusion hangs over all the survivors, for they are suspected of having collaborated in order to survive).

4. Situation of returning refugees. While the conditions under which the refugees have been received in Rwanda appear to be satisfactory, many questions remain as to the fate awaiting some of them in the months to come. Acts of personal revenge and arrests for collusion in genocide have already begun and there is every likelihood that they will increase.

5. Situation of detainees, especially those accused of genocide. Even though the situation in the prisons appears to have improved substantially since 1995, the overcrowding in Rwandan prisons remains a matter of major concern for the FIDH. This persistent overcrowding means that the conditions of detention are still extremely unpleasant and difficult for the detainees: lack of space and equipment (blankets, clothing, etc.), lack of food and health care. Moreover, the FIDH vigorously denounces the existence of illegal detention centres where torture and maltreatment are commonplace.

6. The situation of women. The FIDH particularly wishes to draw the attention of the Commission to the severe deterioration in the situation of Rwandan women. Women now account for the majority of the country's population and are having to look after not only the survivors of their own families but also orphans they have taken in and adopted. Moreover, current legislation in Rwanda does not permit these women to enter into possession of the property of their murdered fathers, husbands or brothers, and this makes them even more destitute. The FIDH also deplores the fact that no real attention has been paid to the case of women who were victims of violence during and after the genocide, and regrets that no special measures have been taken by the Rwandan Government to respond appropriately to the after-effects (both physical and psychological) of this violence. With regard to the International Tribunal for Rwanda, the FIDH welcomes the establishment of a special section responsible for gathering information on violent acts against women but deplores the slowness of its establishment and the inadequacy of the measures taken; in particular, measures are needed so that testimonies can be gathered within a setting that enables these women to speak out, in interviews with other women, and guarantees the safety of these witnesses.

7. Right to a fair trial. The FIDH welcomes the fact that the trials of persons accused of genocide have at last begun; nevertheless, it expresses its very serious concern at the conditions under which the first trials have taken place. First of all, the great majority of those charged did not have the services of a lawyer, and secondly, the few lawyers practising in Rwanda are refusing to defend these accused persons because they fear reprisals against themselves or members of their family. Finally, the FIDH expresses its very great anxiety at the large number of death sentences handed down in the first trials, when the legal safeguards for a fair trial were not fully respected.

8. Attacks on international humanitarian personnel. The FIDH deplores and condemns the murders of staff of the Centre for Human Rights, international NGOs and civilian expatriates. It sincerely hopes that the investigations being carried out by the Rwandan authorities will quickly be completed so that the perpetrators of these crimes can be prosecuted. This would make it possible to redeploy the international staff very soon and put an end to the rumours which suggest that a campaign may be under way to get rid of "inconvenient witnesses".

9. Recommendations

(a) The FIDH urgently requests the Commission to issue a vigorous condemnation of the serious violations of human rights that continue to be committed in Rwanda;

(b) The FIDH, deeply concerned at the situation of the survivors of the genocide and crimes against humanity committed in Rwanda in 1994, urges:

(i) The Rwandan authorities to do everything in their power to ensure the safety of these persons, safeguard their right to life and enable them to return to decent living conditions;

(ii) The international community to pay special attention to the situation of this population in distress;

(c) The FIDH requests the Rwandan authorities to guarantee the safety of the returning refugees and asks the international community to ensure that the rights of these people whom it has persuaded to return to the country are respected;

(d) The FIDH requests the Rwandan authorities and the international community to do everything in their power to improve the detention conditions of prisoners, in particular by endeavouring to reduce overcrowding in prisons. It demands the closure of illegal detention centres;

(e) The FIDH requests the Rwandan authorities and the international community to pay very special attention to the situation of women in Rwanda from the economic, legal, social and health viewpoints;

(f) The FIDH points out that the right to a fair trial is one of the foundations of the State subject to the rule of law and must be respected under all circumstances, particularly when the courts are empowered to pass the death sentence;

(g) The FIDH urges the Rwandan authorities and the United Nations bodies working in Rwanda to ensure the safety of the international humanitarian personnel serving in Rwanda;

(h) The FIDH requests the Commission to renew the term of office of the Special Rapporteur on the situation of human rights in Rwanda and to take all necessary measures to ensure that he is provided with all necessary assistance for fulfilling his mandate.